

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

OLIM ISLAMOV,	)	
	)	
Plaintiff,	)	4:09CV3229
	)	
v.	)	
	)	
SVETLANA SERGEYEVNA	)	MEMORANDUM AND ORDER
UNGAR,	)	
	)	
Defendant.	)	

The plaintiff served a Summons in Garnishment on Tier One Bank, as garnishee, to collect a judgment entered against the defendant by the United States Bankruptcy Court for the District of Nebraska. See filing nos. [3](#) & [4](#). The defendant objected and moved to quash the Summons and Order of Garnishment in Aid of Execution, claiming the money judgment obtained by the plaintiff against the defendant is void because the bankruptcy court lacked jurisdiction to enter a money judgment. Filing Nos. [5](#) & [6](#). Five additional garnishment summons were served, and the defendant has objected to each of them. See filing nos. [14-18](#).

The defendant has moved to strike her objections at filing nos. 14 through 18, (filing no. [25](#)), and to consolidate the court's consideration of the filing no. 5 objection and filing no. 6 motion to quash. Filing no. [24](#).

The court has conferred with counsel for both parties. The defendant will be filing a copy of the pretrial conference memorandum entered in the bankruptcy court proceedings, and once that is filed, the evidence on defendant's filing no. 5 objection and her motion to quash will be before the court. The parties agree the court can resolve the objection and motion to quash on the record without a hearing.

Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to strike, (filing no. [25](#)), is granted, and the objections at filing nos. 14 through 18 are stricken.
- 2) As to defendant's filing no. 5 objection and the filing no. 6 motion to quash:
  - a. The motion to consolidate the court's consideration of these filings, (filing no. [24](#)), is granted.
  - b. On or before November 23, 2009, the defendant shall file the pretrial conference memorandum from the bankruptcy court proceedings as additional evidence for the court's consideration of the objection and motion to quash.
  - c. The objection and motion to quash will be deemed submitted on November 24, 2009, and will be resolved by the court on the record without a hearing.

DATED this 20<sup>th</sup> day of November, 2009.

BY THE COURT:

*Richard G. Kopf*

United States District Judge